

Remarks

The Examiner has required restriction under 35 USC 121 and 372 identifying, in accordance with 37 CFR 1.499, group I directed to claims 22 through 33, drawn to a method for disinfecting a microtome cryostat and group II of claims 34 through 43, drawn to a device for disinfecting a microtome cryostat. The Examiner cites Childers '193 in conjunction with Cummings '370 and states that the limitations of the features in the method and apparatus claims are taught by Childers in view of Cummings. Therefore, these technical features cannot be considered to be special or inventive, since they lack a contribution over the prior art. As a result thereof, there are no special technical features common to the two groups and lack of unity invention applies.

In response to the restriction/election requirement the Applicant elects group II of claims 34 through 43, drawn to a device for disinfecting a microtome cryostat. This election is made **with traverse**.

The traverse is based on the amendment to claims 22 and 34, enclosed herewith. In particular, claim 22 has been amended to specify that the temperature difference of step d) is generated between the microtome and the cryostat. Accordingly, claim 34 has been amended for consistency with amended method claim 22 and has also been rendered more precise by specifying that the temperature difference is generated subsequent to the elapse of the effective time, as recited in method claim 22. The Applicant respectfully submits that independent claims 22 and 34 share common technical features which distinguish the method and device

claims from the prior art cited by the Examiner, thereby satisfying conditions for unity of invention. The reasons follow.

The Childers patent '193 fails to teach that the sterilization means are extracted from a cold region of the chamber, a point which the Examiner properly observes on page 3 of the Office Action. Nor does Childers '193 suggest generating a temperature difference between a microtome and the cryostat, since Childers does not disclose a microtome. Although Cummings '370 discloses two or more temperature regions (below 10 °C and greater than 20 °C) Cummings is concerned with carrying out sterilization without significantly elevating the temperature of the cold portion of the surface. Cummings therefore emphasizes that the temperature differences between the various regions are to be held constant (see for example column 2 lines 53 through 65, in particular, lines 62 and 63 and column 3 lines 12 through 40, in particular, lines 12 and 13 and lines 19 and 20). Cummings '370 clearly attempts to carry out sterilization within an environment having different temperatures but without changing those temperatures.

In contrast thereto, it is the purpose of the present invention to change the temperatures during the processing procedure. As indicated in figure 1 of the instant invention, most portions of the cryostat are usually at a common, constant temperature T_k . In general, no temperature zone differences are present prior to and following sterilization. In accordance with the invention, a temperature difference is created between two regions of the chamber such that the disinfecting agent and moisture can condense in the colder region to be removed therefrom. In the preferred embodiment in accordance with figure 1, the temperature of the

microtome T_m is raised and the temperature of the refrigerator T_v is lowered. None of the prior art of record suggests generating a time dependent temperature difference within the cryostat chamber between the microtome and the balance of the chamber to create condensation in the colder regions for facilitating draining of the disinfecting agent.

The Applicant therefore submits that independent claims 22 and 34 are distinguished from the prior art of record and are patentable. Moreover, unity of invention obtains between these claims, since the same special technical features are present in both claims. The USPTO is therefore respectfully requested to review its position with respect to restriction/election and to examine all claims of record.

No new matter has been added in this amendment.

Respectfully submitted,

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